



Sen. Kimberly A. Lightford

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1 AMENDMENT TO HOUSE BILL 3662

2 AMENDMENT NO. _____. Amend House Bill 3662 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 29-5.2 as follows:

6 (105 ILCS 5/29-5.2) (from Ch. 122, par. 29-5.2)
7 Sec. 29-5.2. Reimbursement of transportation.

8 (a) Reimbursement. A custodian of a qualifying pupil shall
9 be entitled to reimbursement in accordance with procedures
10 established by the State Board of Education for qualified
11 transportation expenses paid by such custodian during the
12 school year.

13 (b) Definitions. As used in this Section:

14 (1) "Qualifying pupil" means an individual referred to in
15 subsection (c), as well as an individual who:

16 (A) is a resident of the State of Illinois; and

1 (B) is under the age of 21 at the close of the school year
2 for which reimbursement is sought; and

3 (C) during the school year for which reimbursement is
4 sought was a full-time pupil enrolled in a kindergarten through
5 12th grade educational program at a school which was a distance
6 of 1 1/2 miles or more from the residence of such pupil; and

7 (D) did not live within 1 1/2 miles from the school in
8 which the pupil was enrolled or have access to transportation
9 provided entirely at public expense to and from that school and
10 a point within 1 1/2 miles of the pupil's residence, measured
11 in a manner consistent with Section 29-3.

12 (2) "Qualified transportation expenses" means costs
13 reasonably incurred by the custodian to transport, for the
14 purposes of attending regularly scheduled day-time classes, a
15 qualifying pupil between such qualifying pupil's residence and
16 the school at which such qualifying pupil is enrolled, as
17 limited in subsection (e) of this Section, and shall include
18 automobile expenses at the standard mileage rate allowed by the
19 United States Internal Revenue Service as reimbursement for
20 business transportation expense, as well as payments to mass
21 transit carriers, private carriers, and contractual fees for
22 transportation.

23 (3) "School" means a public or nonpublic elementary or
24 secondary school in Illinois, attendance at which satisfies the
25 requirements of Section 26-1.

26 (4) One and one-half miles distance. For the purposes of

1 this Section, 1 1/2 miles distance shall be measured in a
2 manner consistent with Section 29-3.

3 (5) Custodian. The term "custodian" shall mean, with
4 respect to a qualifying pupil, an Illinois resident who is the
5 parent, or parents, or legal guardian of such qualifying pupil.

6 (c) An individual, resident of the State of Illinois, who
7 is under the age of 21 at the close of the school year for which
8 reimbursement is sought and who, during that school year, was a
9 full time pupil enrolled in a kindergarten through 12th grade
10 educational program at a school which was within 1 1/2 miles of
11 the pupil's residence, measured in a manner consistent with
12 Section 29-3, is a "qualifying pupil" within the meaning of
13 this Section if (i) such pupil attends public school in a
14 school district organized under Article 34 of this Code and
15 must walk or otherwise travel along a safe passage route, as
16 designated by the school board, to reach school or return home
17 or (ii) ~~(i)~~ such pupil did not have access to transportation
18 provided entirely at public expense to and from that school and
19 the pupil's residence, and ~~(ii)~~ conditions were such that
20 walking would have constituted a serious hazard to the safety
21 of the pupil due to vehicular traffic. The determination of
22 what constitutes a serious safety hazard within the meaning of
23 this subsection shall in each case be made by the Department of
24 Transportation in accordance with guidelines which the
25 Department, in consultation with the State Superintendent of
26 Education, shall promulgate. Each custodian intending to file

1 an application for reimbursement under subsection (d) for
2 expenditures incurred or to be incurred with respect to a pupil
3 asserted to be a qualified pupil as an individual referred to
4 in this subsection shall first file with the appropriate
5 regional superintendent, on forms provided by the State Board
6 of Education, a request for a determination that a serious
7 safety hazard within the meaning of this subsection (c) exists
8 with respect to such pupil. Custodians shall file such forms
9 with the appropriate regional superintendents not later than
10 February 1 of the school year for which reimbursement will be
11 sought for transmittal by the regional superintendents to the
12 Department of Transportation not later than February 15; except
13 that any custodian who previously received a determination that
14 a serious safety hazard exists need not resubmit such a request
15 for 4 years but instead may certify on their application for
16 reimbursement to the State Board of Education referred to in
17 subsection (d), that the conditions found to be hazardous, as
18 previously determined by the Department, remain unchanged. The
19 Department shall make its determination on all requests so
20 transmitted to it within 30 days, and shall thereupon forward
21 notice of each determination which it has made to the
22 appropriate regional superintendent for immediate transmittal
23 to the custodian affected thereby. The determination of the
24 Department relative to what constitutes a serious safety hazard
25 within the meaning of subsection (c) with respect to any pupil
26 shall be deemed an "administrative decision" as defined in

1 Section 3-101 of the Administrative Review Law; and the
2 Administrative Review Law and all amendments and modifications
3 thereof and rules adopted pursuant thereto shall apply to and
4 govern all proceedings instituted for the judicial review of
5 final administrative decisions of the Department of
6 Transportation under this subsection.

7 (d) Request for reimbursement. A custodian, including a
8 custodian for a pupil asserted to be a qualified pupil as an
9 individual referred to in subsection (c), who applies in
10 accordance with procedures established by the State Board of
11 Education shall be reimbursed in accordance with the dollar
12 limits set out in this Section. Such procedures shall require
13 application no later than June 30 of each year, documentation
14 as to eligibility, and adequate evidence of expenditures;
15 except that for reimbursement sought pursuant to subsection (c)
16 for the 1985-1986 school year, such procedures shall require
17 application within 21 days after the determination of the
18 Department of Transportation with respect to that school year
19 is transmitted by the regional superintendent to the affected
20 custodian. In the absence of contemporaneous records, an
21 affidavit by the custodian may be accepted as evidence of an
22 expenditure. If the amount appropriated for such reimbursement
23 for any year is less than the amount due each custodian, it
24 shall be apportioned on the basis of the requests approved.
25 Regional Superintendents shall be reimbursed for such costs of
26 administering the program, including costs incurred in

1 administering the provisions of subsection (c), as the State
2 Board of Education determines are reasonable and necessary.

3 (e) Dollar limit on amount of reimbursement. Reimbursement
4 to custodians for transportation expenses incurred during the
5 1985-1986 school year, payable in fiscal year 1987, shall be
6 equal to the lesser of (1) the actual qualified transportation
7 expenses, or (2) \$50 per pupil. Reimbursement to custodians for
8 transportation expenses incurred during the 1986-1987 school
9 year, payable in fiscal year 1988, shall be equal to the lesser
10 of (1) the actual qualified transportation expenses, or (2)
11 \$100 per pupil. For reimbursements of qualified transportation
12 expenses incurred in 1987-1988 and thereafter, the amount of
13 reimbursement shall not exceed the prior year's State
14 reimbursement per pupil for transporting pupils as required by
15 Section 29-3 and other provisions of this Article.

16 (f) Rules and regulations. The State Board of Education
17 shall adopt rules to implement this Section.

18 (g) The provisions of this amendatory Act of 1986 shall
19 apply according to their terms to the entire 1985-1986 school
20 year, including any portion of that school year which elapses
21 prior to the effective date of this amendatory Act, and to each
22 subsequent school year.

23 (h) The chief administrative officer of each school shall
24 notify custodians of qualifying pupils that reimbursements are
25 available. Notification shall occur by the first Monday in
26 November of the school year for which reimbursement is

1 available.

2 (Source: P.A. 91-357, eff. 7-29-99.)".